



United States Government

**OFFICE OF THE EXECUTIVE SECRETARY
NATIONAL LABOR RELATIONS BOARD
1015 HALF STREET SE
WASHINGTON, DC 20570**

Re: New York Party Shuttle, LLC, d/b/a On Board Tours, Washington DC Party Shuttle, LLC, d/b/a On Board Tours, On Board Las Vegas Tours, LLC, d/b/a Onboard Tours, NYC Guided Tours, LLC, and Party Shuttle Tours., LLC, a single employer, Case 02-CA-073340

ORDER

Respondent's Motion to Accept Late-Filed Response to Motion for Partial Summary Judgment is denied. The Respondent has failed to show excusable neglect for the failure to file by the deadline set in response to a prior request for an extension of time. Parties who choose to file on the final day for doing so assume the risk that something can go wrong, particularly if, as here, the attempted filing takes place on the evening of the final day. As specifically stated in the Board's E-Filing instructions, "a user who waits until after close of business on the due date to attempt to E-File does so at his/her own peril. If you are unsure whether the problem is a technical failure or a user problem, assume it is a user problem." Counsel for the Respondent has acknowledged that the attempted E-Filing did not proceed to the final confirmation page of the process, and that he did not make additional attempts to E-File until September 19, 2017 (four business days after the already extended deadline), after the Board contacted Respondent regarding the failure to file by the deadline.

Dated, Washington, D.C., October 27, 2017

By direction of the Board:

/s/ Roxanne L. Rothschild
Deputy Executive Secretary